

SPEAKER BARRETT: I would ask the body's attention to be directed towards Senator Rogers. Proceed, Senator Rogers.

SENATOR ROGERS: Mr. President, members, LB 100 was a bill that would provide that any owner of ag land may drain water in the general course of natural drainage, as long as the ditch or drain is on his land. But the owner would be liable for construction that is unreasonable in the proximity cause of damage to a lower landowner. Such owner shall be liable for damage if his construction is unreasonable. These are things that would be determined by the court. The court also may assess costs and attorney fees against any party bringing an action to this section which is frivolous. The League of Nebraska Municipalities had some problems with the bill, and I have agreed to work with them. We will naturally just take them out. We haven't got this worked out yet, but I have agreed that whatever wording that they need to it I am agreeable to it. We weren't...I wasn't asking for anything to be concerned with them. I think you all probably have about four sheets that come from Loran Schmit. I would like to answer a few of these questions. Number two, he says under a bill a farmer who had terraces put in and rearranged his drainage. Well, I'm sure when these terraces are put in they are designed to drain the water into a natural water course. If someone built a terrace and drained water across your farm, I think you should have the option that you would want to file suit. He talks about a farm dam. These things will go before a court. If someone thinks that a dam broke on my place and it damaged their land, this would be one of the things that would go to a court. Maybe it was an act of God, it wasn't anything that either owner had done. Nothing in this bill is retroactive either. He mentioned about volunteer trees growing up in a river. This has nothing to do with rivers or streams. This is bill where we talk about drainage, tile drainage, some of you are probably not aware of it, there is quite a little of it in my country. Years ago farmer A would drain onto farmer B, and B would go to C, and C would go to D, and there was nothing in the statutes to try to protect this particular individual. As far as number 6, he said the bill does apply to cities and even counties. I don't think Loran Schmit was even present at that time when the League of Municipalities did appear. Like I mentioned to begin with, we have agreed to work with these people and will take out that part of the bill. You know, shifting the liability to an upstream landowner, how far upstream does it apply? Well, if there is a farmer up the line two or three miles from me and